

**BEFORE the HEARING EXAMINER for the
CITY of SAMMAMISH**

DECISION

FILE NUMBER: PSUB2016-00017

APPLICANT: James Osgood
19961 SE 24th Way
Sammamish, WA 98075

TYPE OF CASE: Preliminary subdivision (*Osgood Preliminary Plat*)

STAFF RECOMMENDATION: Approve subject to conditions

EXAMINER DECISION: GRANT subject to conditions

DATE OF DECISION: November 9, 2016

INTRODUCTION ¹

James Osgood (Applicant) seeks preliminary approval of *Osgood Preliminary Plat*, a 12-lot single-family residential subdivision of a 3.87 acre site, owned by the Applicant, which is zoned R-4.

The Applicant filed a Base Land Use Application on January 19, 2016. (Exhibits 1; 2 ²) The Sammamish Department of Community Development (the Department) deemed the application to be complete when filed. (Exhibit 3)

The subject property is located at 19961 SE 24th Way in Sammamish.

The Sammamish Hearing Examiner (Examiner) viewed the subject property on August 3, 2015, in preparation for the hearing on an appeal involving the subject property (DIRM2014-00190).

The Examiner held an open record hearing on the preliminary subdivision on November 3, 2016. The Department gave notice of the hearing as required by the Sammamish Municipal Code (SMC). (Exhibit 31)

Subsection 20.05.100(1) SMC requires that decisions on preliminary subdivision applications be issued within 120 net review days after the application is found to be complete. The open record hearing was held

¹ Any statement in this section deemed to be either a Finding of Fact or a Conclusion of Law is hereby adopted as such.
² Exhibit citations are provided for the reader's benefit and indicate: 1) The source of a quote or specific fact; and/or 2) The major document(s) upon which a stated fact is based. While the Examiner considers all relevant documents in the record, typically only major documents are cited. The Examiner's Decision is based upon all documents in the record.

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on or about net review day 120. The SMC provides two potential remedies for an untimely decision: A time extension mutually agreed upon by the City and the applicant [SMC 20.05.100(2)] or written notice from the Department explaining why the deadline was not met [SMC 20.05.100(4)]. The Applicant chose to extend the deadline as necessary. (Statement of counsel)

The following exhibits were entered into the hearing record during the hearing:

- Exhibit 1: Departmental Staff Report
- Exhibits 2 – 31: As enumerated in Exhibit 1
- Exhibit 32: Letter, Public Health – Seattle & King County, October 5, 2016
- Exhibit 33: Resume, Chad Allen
- Exhibit 34: Resume, Brian Beaman
- Exhibit 35: Resume, Gary A. Norris
- Exhibit 36: Statement of Qualifications, C. Gary Schulz
- Exhibit 37: Order Denying Reconsideration, DIRM2014-00190, September 15, 2015

The action taken herein and the requirements, limitations and/or conditions imposed by this decision are, to the best of the Examiner's knowledge or belief, only such as are lawful and within the authority of the Examiner to take pursuant to applicable law and policy.

FINDINGS OF FACT

1. The *Osgood Preliminary Plat* is before the Examiner against an historical background which has resolved the issue that would otherwise likely have been the dominant topic in the hearing process: Can the subject property even be considered for subdivision given that it lies within the "No-Disturbance Area" of the Erosion Hazards Near Sensitive Water Bodies (EHNSWB) Overlay? That historical background includes a 2014 Settlement Agreement between the Applicant and the City (Settlement Agreement. Exhibit 7), a February 17, 2015, "Director's Modification" (DIRM) of EHNSWB regulations to allow subdivision of the subject property under certain conditions (Exhibit 12), an appeal of that DIRM which was denied by the Examiner on August 12, 2015 (Exhibit 13), and the September 15, 2015, denial of a request for reconsideration of the August 12, 2015, Decision (Exhibit 37).
2. The Applicant proposes to subdivide the subject property into 12 lots for single-family residential development together with two open space tracts totaling 1.94 acres (Tracts A and B), one recreation tract containing 0.04 acres (Tract D), and one detention vault tract containing 0.15 acres (Tract C). The lots will be served by a short dead-end public street for which a Variation from the Interim Public Works Standards (PWS) has been granted. (Exhibits 9; 11)

The proposal includes special measures for control of storm water runoff based upon the extensive requirements included in the Settlement Agreement and in the DIRM. Runoff from streets and other

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surfaces will be collected and conveyed through a water quality facility into the detention vault in Tract C. After detention, flows will be conveyed through a pipe system (some of which currently exists, some of which the Applicant will construct) down SE 24th Way to East Lake Sammamish Parkway (the Parkway) and south along the east side of the Parkway for about 650 feet. An energy dissipater will be installed near the end of the pipe.³ Runoff from rooftops will be conveyed into a storage vault on each of the 12 lots and will be available to the homeowner for vegetation watering, etc. Any overflow from the 12 on-lot vaults will be conveyed into the vault in Tract C. (Exhibits 9, especially Sheets C3.0, and C5.0 – C5.4; 25, especially p. 18)

The Settlement Agreement provides that frontage improvements are to be deferred because the current pavement of SE 24th Way is largely outside of (west of) the dedicated right-of-way as it passes in front of the subject property. (Exhibits 7, § A.11(b); 9, Sheet C2.0)

3. The density calculated in accordance with procedures spelled out in the SMC is 3.96 dwelling units per net acre. (Exhibit 9, Sheet C1.0)

All proposed lots meet applicable zoning standards. (Exhibit 1)

4. The record contains evidence that appropriate provisions have been made for open space (Exhibits 1; 9); drainage (Exhibits 1; 9; 25); streets and roads (Exhibits 1; 9; 11; 14; 15); potable water supply (Exhibits 1; 9; 24); sanitary wastes (Exhibits 1; 9; 24); parks and recreation (Exhibits 1; 9); playgrounds (Exhibits 1; 9); schools and schoolgrounds (Exhibit 1); and safe walking conditions for children who walk to school (Exhibits 1; 8). The design does not utilize alleys; other public ways are not required. The record contains no request for transit stops.
5. Sammamish first enacted tree retention/preservation regulations in or around 2005. [Ordinance No. O2005-175] Those regulations were contained in former SMC 21A.35.210 - .240. In 2014 the City enacted emergency, interim revisions to those code sections. The interim regulations were in effect from October 14, 2014 to October 14, 2015. [Ordinance Nos. O2014-375 and O2015-390] Those interim regulations were repealed and replaced by Chapter 21A.37 SMC, Development Standards – Trees, effective October 14, 2015. [Ordinance No. O2015-395]

The subject application is vested to the current tree regulations.⁴ Seventy-four significant trees were catalogued on the subject property, most located within open space Tract B. (Exhibits 9, Sheet LA-1; 29) Current tree retention regulations require that 35% of significant trees outside of critical areas and their buffers be retained in a development on land zoned R-4. [SMC 21A.37.250(1)(c)] There are no regulated environmentally critical areas on the subject property. (Exhibits 1; 20; 22; 23) The Applicant proposes to retain 84% of the on-site significant trees. Four significant trees are proposed to be removed, triggering the replacement requirements of SMC 21A.37.280. Twenty-five

³ The energy dissipater is specifically called out on Exhibit 9, Sheet C5.4, at SDMH #3.

⁴ This is the first subdivision subject to the current tree retention regulations to come to hearing. (Official notice)

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replacement trees are proposed to be planted in Tracts A, B, and C. (Exhibits 9, Sheets LA-1 – LA-3; 29)

6. Sammamish's State Environmental Policy Act (SEPA) Responsible Official issued a threshold Determination of Nonsignificance (DNS) for *Osgood Preliminary Plat* on September 16, 2016. (Exhibit 1, p. 1) The DNS was not appealed. (Testimony)
7. The Department's Staff Report (Exhibit 1) provides a detailed exposition of facts related to all criteria for preliminary subdivision approval. The Applicant concurred in full in the Findings and Conclusions/Analysis set forth in that report. (Statement of counsel) The record contains no challenge to the content of that report. During the hearing the participants discussed certain portions of the Staff Report, providing clarifications and corrections. Therefore, the Findings and Conclusions/Analysis within the Staff Report are incorporated herein as if set forth in full with the following clarifications/corrections:
 - A. Page 8, § II.C. The Settlement Agreement allows up to 55% lot coverage rather than the standard 40% as stated in this Finding. (Exhibit 7, § A.5)
 - B. Page 9, § II.M. There are no private roads proposed within the subdivision. Therefore, the last sentence in this Finding should begin "The on-site ~~private road~~ public street and" (Exhibit 9; and testimony)
 - C. Page 9, § II.P. Directions are reversed in two places in this Finding. First sentence: "... with the ~~western~~ eastern half as a hillside ..."; Second sentence: "... slopes down to the ~~east~~ west at about 6 percent." (Testimony)
 - D. Page 14, § III.A.8, Third bullet on the page. The proposed on-site trail will be 854 feet long, not 725 feet long. (Testimony)
8. The Department recommends approval of *Osgood Preliminary Plat* subject to 44 conditions. (Exhibit 1, pp. 19 - 23) The Department has experienced an extensive personnel turnover of management and staff, mostly occurring within the past six or so months. Current management is reviewing the paradigm under which recommended permit conditions are crafted. As a result, recent staff reports have lacked the degree of consistency historically found in Department Staff Reports. As a consequence of a wide-ranging discussion during the hearing, the following changes to the Recommended Conditions were agreed to:
 - A. Recommended Condition 2 is unnecessary: The right-of-way dedication included in the proposed plat makes provision for this request from the Parks Department; a special, separate condition is unnecessary.

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- B. Recommended Condition 5 can be omitted: Payment of street impact mitigation fees is a requirement of code whether listed as a special condition or not.
 - C. Recommended Condition 11 duplicates Recommended Condition 3 and may be omitted.
 - D. Recommended Condition 17 may be omitted as no private roads are proposed within the subdivision.
 - E. Recommended Condition 25 should be revised to eliminate the reference to “Sensitive Area Tract” signs since there are no environmentally sensitive areas on the subject property.
 - F. Recommended Condition 29. During the discussion, Department management expressed concern with the citation to a specific ordinance in this condition. Management’s concern is that citation to an ordinance locks in a particular version of the code. Management suggested that it would be preferable to refer to the code chapter/section so that any subsequent amendments would be applicable. The Examiner concurs.
 - G. The face of the final plat should include a note regarding payment of school and park impact fees as well as the traffic impact fee note contained in Recommended Condition 29. Current code provides a mechanism by which payment of all such fees may be deferred beyond final plat approval. Including a notice of such deferral on the face of the final plat provides proper disclosure to prospective purchasers of fees that may be required when buildings are constructed. The Examiner will consolidate this note with the note regarding street impact fees.
 - H. Department Recommended Conditions in previous cases have included two conditions regarding tree retention that were to appear on the face of the final plat. (See, *e.g.*, *Inglewood Landing*, PSUB2015-00014, Conditions D.14 and D.15, hearing held October 25, 2016, Decision issued November 1, 2016.) Similar conditions are not included in the current Department recommendation. Staff agrees that an appropriately worded version ⁵ of each should appear on the face of the plat to provide disclosure to prospective owners of tree cutting restrictions.
9. The Applicant has no objection to any of the Recommended Conditions. (Statement of counsel)
10. Save Lake Sammamish (SLS), the group which appealed the DIRM in 2015, submitted a comment letter in March, 2016. (Exhibit 6) SLS’s comments were based on earlier submittals than those in this record. (*E.g.*: The plan set which is before the Examiner (Exhibit 9) was prepared in July, 2016; the drainage report (Exhibit 25) was revised in July, 2016; the Critical Areas Affidavit in the record

⁵ *Inglewood Landing* was vested to the interim tree retention regulations. Therefore, the wording would have to be slightly different for *Osgood Preliminary Plat* which is vested to the current regulations.

(Exhibit 17) was executed in July, 2016.) SLS's concerns have been addressed in the exhibits in this record.

11. Public Health – Seattle & King County submitted a comment letter reminding the Applicant of his obligations under state law and regulations regarding lead paint abatement during demolition of the existing structures and regarding decommissioning of the existing on-site sewage disposal system. (Exhibit 32)
12. Any Conclusion of Law deemed to be a Finding of Fact is hereby adopted as such.

LEGAL FRAMEWORK ⁶

The Examiner is legally required to decide this case within the framework created by the following principles:

Authority

A preliminary subdivision is a Type 3 land use application. [SMC 20.05.020, Exhibit A] A Type 3 land use application requires an open record hearing before the Examiner. The Examiner makes a final decision on the application which is subject to the right of reconsideration and appeal to Superior Court. [SMC 20.05.020, 20.10.240, 20.10.250, and 20.10.260]

The Examiner's decision may be to grant or deny the application or appeal, or the examiner may grant the application or appeal with such conditions, modifications, and restrictions as the Examiner finds necessary to make the application or appeal compatible with the environment and carry out applicable state laws and regulations, including Chapter 43.21C RCW and the regulations, policies, objectives, and goals of the interim comprehensive plan or neighborhood plans, the development code, the subdivision code, and other official laws, policies and objectives of the City of Sammamish.

[SMC 20.10.070(2)]

Review Criteria

Section 20.10.200 SMC sets forth requirements applicable to all Examiner Decisions:

When the examiner renders a decision ..., he or she shall make and enter findings of fact and conclusions from the record that support the decision, said findings and conclusions shall set forth and demonstrate the manner in which the decision ... is consistent with, carries out, and helps implement applicable state laws and regulations and the regulations, policies, objectives, and goals of the interim comprehensive plan, the development code, and other official laws, policies, and objectives of the City of Sammamish, and that the

⁶ Any statement in this section deemed to be either a Finding of Fact or a Conclusion of Law is hereby adopted as such.

recommendation or decision will not be unreasonably incompatible with or detrimental to affected properties and the general public.

Additional review criteria for preliminary subdivisions are set forth at SMC 20.10.220:

When the examiner makes a decision regarding an application for a proposed preliminary plat, the decision shall include additional findings as to whether:

(1) Appropriate provisions are made for the public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and

(2) The public use and interest will be served by the platting of such subdivision and dedication.

Vested Rights

Sammamish has enacted a vested rights provision.

Applications for Type 1, 2, 3 and 4 land use decisions, except those that seek variance from or exception to land use regulations and substantive and procedural SEPA decisions shall be considered under the zoning and other land use control ordinances in effect on the date a complete application is filed meeting all the requirements of this chapter. The department's issuance of a notice of complete application as provided in this chapter, or the failure of the department to provide such a notice as provided in this chapter, shall cause an application to be conclusively deemed to be vested as provided herein.

[SMC 20.05.070(1)] Therefore, this application is vested to the development regulations as they existed on January 19, 2016.

Standard of Review

The standard of review is preponderance of the evidence. The applicant has the burden of proof. [City of Sammamish Hearing Examiner Rule of Procedure 316(a)]

Scope of Consideration

The Examiner has considered: all of the evidence and testimony; applicable adopted laws, ordinances, plans, and policies; and the pleadings, positions, and arguments of the parties of record.

CONCLUSIONS OF LAW

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1. Extensive, detailed conclusions regarding conformance with the criteria for approval are unnecessary since *Osgood Preliminary Plat* is essentially an uncontested case. SLS's objections/concerns were based on earlier submittals which have been superseded by the documents in the record of this hearing.
2. Section 20.10.200 SMC requires the Examiner to consider a number of items, including "the interim comprehensive plan". The Examiner's ability to use the comprehensive plan in project review is constrained by state law which states that the comprehensive plan is applicable only where specific development regulations have not been adopted: "The review of a proposed project's consistency with applicable development regulations or, in the absence of applicable regulations the adopted comprehensive plan" [RCW 36.70B.030(1)]

The state Supreme Court addressed that provision in *Citizens v. Mount Vernon* [133 Wn.2d 861, 947 P.2d 1208 (1997), *reconsideration denied*] in which it ruled that "[RCW 36.70B.030(1)] suggests ... a comprehensive plan can be used to make a specific land use decision. Our cases hold otherwise." [at 873]

Since a comprehensive plan is a guide and not a document designed for making specific land use decisions, conflicts surrounding the appropriate use are resolved in favor of the more specific regulations, usually zoning regulations. A specific zoning ordinance will prevail over an inconsistent comprehensive plan. If a comprehensive plan prohibits a particular use but the zoning code permits it, the use would be permitted. These rules require that conflicts between a general comprehensive plan and a specific zoning code be resolved in the zoning code's favor.

[*Mount Vernon* at 873-74, citations omitted]


3. Based upon all the evidence in the record, the Examiner concludes that *Osgood Preliminary Plat* meets the considerations within SMC 20.10.200. All evidence demonstrates compliance with Comprehensive Plan policies, to the extent they can be considered, and zoning code, subdivision code, and Environmentally Sensitive Areas regulations.
4. Given all the evidence in the record, the Examiner concludes that *Osgood Preliminary Plat* complies with the review criteria of SMC 20.10.220(1). The proposed subdivision allows development at the density expected under the Comprehensive Plan, does not thwart future development of surrounding properties, and makes appropriate provision for all items listed in that code section.
5. Given all the evidence in the record, the Examiner concludes that *Osgood Preliminary Plat* will serve the public use and interest and will thus comply with the review criteria of SMC 20.10.220(2). Public Health – Seattle & King County's concerns as stated in Exhibit 32 are regulated by state law and regulation. No special conditions on subdivision approval are necessary.

6. The recommended conditions of approval as set forth in Exhibit 1 are reasonable, supported by the evidence, and capable of accomplishment with the following changes:
 - A. The changes discussed in Finding of Fact 8, above, will be made.
 - B. The Examiner believes that identification of the exhibit being approved as the preliminary plat is of paramount importance in the conditions. Therefore, a new Condition 1 will be inserted stating that Exhibit 9 is the approved preliminary plat and supporting preliminary plans.
 - C. Recommended Condition 3. Because of the importance of the Settlement Agreement to this subdivision, the Examiner will move this condition up to immediately follow new Condition 1. In addition, a scrivener's error in the exhibit citation will be corrected: The Settlement Agreement is Exhibit 7, not Exhibit 6.
 - D. Recommended Condition 29. The face of the final plat should include a note regarding payment of all three types of impact fees (park, school, and traffic), not just traffic. Such a note is especially important given the new (July, 2016) addition of Chapter 14A.25, Impact Fee Deferral. This condition will be appropriately revised.
 - E. Recommended Condition 31. This recommended condition is apparently a "boilerplate" condition as it ignores the fact that the Settlement Agreement requires individual stormwater vaults for each of the 12 lots. (Exhibit 7, p. 2, § A.6) Those vaults will not be within a recreation tract or within separate tracts dedicated to the City: They will be on the 12 individual lots. Recognition of this fact must be incorporated into this condition.
 - F. Recommended Condition 39. As written, this condition requires payment of a surface water system development charge in accordance with "Ordinance No. O2002-112". This ordinance reference is a perfect example of the problem that Department management was talking about during the hearing. (See Finding of Fact 8.F, above.) Ordinance No. O2002-112 adopted an un-codified surface water system development charge in 2002. But that un-codified charge was replaced by Chapter 13.15 SMC, Surface Water Development Charge, which was enacted by Ordinance No. O2011-304 in 2011 and then further amended by Ordinance No. O2012-334 in 2012. The citation to Ordinance No. O2002-112 is woefully out of date and should never be used. The Examiner will replace it with the chapter citation.
 - G. A few minor, non-substantive structure, grammar, and/or punctuation revisions to Recommended Conditions 1, 4, 7 - 10, 12, 14, 15, 23, and 28 will improve parallel construction, clarity, and flow within the conditions. Such changes will be made.
7. Any Finding of Fact deemed to be a Conclusion of Law is hereby adopted as such.

DECISION

Based upon the preceding Findings of Fact and Conclusions of Law, and the testimony and evidence submitted at the open record hearing, the Examiner **GRANTS** preliminary subdivision approval for *Osgood Preliminary Plat* **SUBJECT TO THE ATTACHED CONDITIONS**.

Decision issued November 9, 2016.



John E. Galt
Hearing Examiner

HEARING PARTICIPANTS ⁷

Courtney Kaylor, unsworn counsel
Ryan Harriman
David Pyle

Chad Allen
Haim Strasbourger

NOTICE of RIGHT of RECONSIDERATION

This Decision is final subject to the right of any party of record to file with the Examiner (in care of the City of Sammamish, ATTN: Lita Hachey, 801 228th Avenue SE, Sammamish, WA 98075) a written request for reconsideration within 10 calendar days following the issuance of this Decision in accordance with the procedures of SMC 20.10.260 and Hearing Examiner Rule of Procedure 504. Any request for reconsideration shall specify the error which forms the basis of the request. See SMC 20.10.260 and Hearing Examiner Rule of Procedure 504 for additional information and requirements regarding reconsideration.

A request for reconsideration is not a prerequisite to judicial review of this Decision. [SMC 20.10.260(3)]

NOTICE of RIGHT of JUDICIAL REVIEW

This Decision is final and conclusive subject to the right of review in Superior Court in accordance with the procedures of Chapter 36.70C RCW, the Land Use Petition Act. See Chapter 36.70C RCW and SMC 20.10.250 for additional information and requirements regarding judicial review.

⁷ The official Parties of Record register is maintained by the City's Hearing Clerk.

The following statement is provided pursuant to RCW 36.70B.130: “Affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation.”

**CONDITIONS OF APPROVAL
OSGOOD PRELIMINARY PLAT
PSUB2016-00017**

This Preliminary Subdivision is subject to compliance with all applicable provisions, requirements, and standards of the Sammamish Municipal Code, standards adopted pursuant thereto, and the following special conditions:

General Conditions:

1. Exhibit 9 is the approved preliminary plat (and supporting plans). Revisions to approved preliminary subdivisions are subject to the provisions of Sammamish Municipal Code (SMC) 19A.12.040.
2. The project shall be developed consistent with the provisions and conditions outlined in the Settlement Agreement between the City of Sammamish and James Osgood and Susan Richardson, signed June 19, 2014 (the Settlement Agreement). (Exhibit 7)
3. Pursuant to the Settlement Agreement, the City agreed to allow the delay of the development of frontage improvements for the proposed subdivision until the City resolves the right-of-way encroachment issue along SE 24th Way or for up to ten (10) years from preliminary plat approval, whichever is sooner. In the interim, the City will not require frontage improvements, but the internal road system shall connect to the SE 24th Way pavement. If construction of frontage improvements is triggered by resolution of the encroachment issues, the Osgoods will complete construction of the improvements within ninety (90) days of the City sending written notice to the taxpayer of record.
4. For the purpose of ensuring compliance with all conditions of approval and the standard requirements of the SMC, the Applicant shall provide financial guarantees in conformance with Chapter 27A SMC, and Interim Public Works Standards (PWS) Chapter 10.050(K). All improvements required pursuant to the PWS, SMC, or other applicable regulations, must be installed and approved, or bonded as specified for plats in Chapter 19A SMC, Land Division.
5. Due to the fire flow calculations submitted to Eastside Fire and Rescue by the water purveyor which states the flow is 1000 GPM or more, the homes are limited to 3600 square feet in size (this includes attached garage) unless the code minimum GPM requirement can be met. The installation of a fire sprinkler system is one alternative to meeting minimum fire flow requirements.

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6. No parking allowed on Road A. This is part of the emergency vehicle access route. Post “No Parking-Fire Lane” signs as required by the SMC.
7. The platlor shall submit a complete set of civil plans to Eastside Fire and Rescue when those plans are submitted to the City for Site Development Review. This shall include but not limited to: road profiles, hydrant plans, any underground vault locations, etc.

Site Development Permit Special Conditions:

8. SE 24th Way is classified as a collector arterial with varying widths of existing right-of-way. A 3.5-foot right-of-way dedication shall be provided on SE 24th Way for the extent of the project frontage. Frontage improvements consistent with a collector arterial shall be constructed along SE 24th Way, unless the applicant chooses to follow Condition 3, above. For that option, a financial guarantee shall be required matching the equivalent of a half street improvement along property frontage and taper connection at each end.
9. The internal plat road shall be consistent with the road design as provided in part A.11(a) of the Settlement Agreement. Public Works is therefore allowing for a variation from local road standards including roadway width reduction from 36 feet to 24 feet, right of way width reduction from 60 feet to 36 feet, and elimination of the landscape strip on each side of the roadway.
10. The engineering plan showing entering sight distance diagram for development grading and clearing shall provide entering sight distance design that meets the PWS, before these plans can be approved.
11. Illumination shall be provided in the plat local road consistent with the City’s standards for average foot candles and uniformity for a local road. Luminaires shall be full cut off. Pole type and style shall be approved by Public Works.
12. A right-of-way and site restoration bond shall be posted consistent with the requirements of the 2009 King County Surface Water Design Manual (2009 KCSWDM).

Prior to or Concurrent with Final Plat:

13. 3.5-foot width along the frontage of SE 24th Way right-of-way shall be dedicated as public right-of-way.
14. Local roads shall be dedicated as public right-of-way.
15. Driveways shall be completed prior to final plat. Any joint use driveways shall be bonded for or constructed under the Site Development permit.

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16. A public stormwater easement shall be provided for access, inspection, maintenance, repair, and replacement of the detention and water quality facilities within the Tract in which they are located.
17. At a minimum, all stormwater facilities shall be constructed and online and operational. This includes construction of road ATB, curb, gutter, stormwater conveyance system, water quality treatment systems, and detention pond. Final lift of asphalt may be bonded except as indicated.
18. A licensed surveyor shall survey and stake all storm drain facilities and conveyance lines with associated easements and dedications not located within the public right-of-way. Public Works Inspector shall inspect and approve locations prior to final plat and easement recording.
19. Offsite stormwater easements required by the stormwater design shall be recorded.
20. All new signs required in the public right-of-way must be installed by the City of Sammamish Public Works Department or at the direction of the City of Sammamish Traffic Engineer. Procurement and installation shall be paid for by the Developer. Contractor shall contact the Public Works Inspector to initiate signage installation a minimum of 6 WEEKS PRIOR TO FINAL PLAT. Temporary street signs may be required for internal plat roads for emergency vehicle access. No parking signs shall be installed prior to final plat. No parking signs shall be required on all proposed street and private roads with clear widths of 20 feet or less.
21. Off-site improvements shall be fully constructed.
22. "No Parking-Fire Lane" signs shall be permanently installed.
23. Illumination shall be fully installed.
24. Soil amendments shall be provided or bonded for in all common areas of the plat consistent with the requirements of the *City of Sammamish Surface Water Design Manual Addendum*.
25. A Public Works site performance bond shall be posted consistent with the 2009 KCSWDM.

Conditions to appear on the face of the final plat (italicized words verbatim):

26. The platlor shall include a note regarding the payment of all street, park, and school impact fees consistent with the provisions of Chapters 14A.15, 14A. 20, 14A.25, and 21A.105 SMC as the same exist at the time the final plat is being approved. The note shall indicate whether fees have already been fully paid, partially paid, or deferred. Specific language shall be reviewed and approved by the City prior to final plat approval.

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27. Covenant and easement language pertaining to individual lots and tracts with flow control BMPs shall be shown on the face of the final plat. Public Works shall approve the specific language prior to final plat.
28. Unless located within a recreation tract and public easements provided and except for the 12 individual on-lot vaults, all Surface Water Management Facilities required for this subdivision shall be contained within a separate tract of land and shall be dedicated to the City of Sammamish for inspection, maintenance, operation, repair, and replacement. Language to this effect shall be shown on the face of the final plat.
29. *"Maintenance of all landscape strips along the plat roads shall be the responsibility of the Homeowners Association or adjacent property owners. Under no circumstances shall the City bear any maintenance responsibilities for landscaping strips created by the plat."*
30. *"Maintenance of landscaping strips along the stormwater pond perimeter other than the interior pond embankments shall be the responsibility of the Homeowners Association."*
31. *"All landscaped areas of the plat and individual lots shall include a minimum of 8-inches of composted soil amendment."*
32. *"Maintenance of illumination along all local and private roads shall be the responsibility of the Homeowners Association or jointly shared by the owners of the development."*
33. *"Metal products such as galvanized steel, copper, or zinc shall not be used in all building roofs, flashing, gutters, or downspouts unless they are treated to prevent metal leaching and sealed such that contact with storm water is prevented."*
34. *"All lots containing or adjacent to infiltration or dispersion trenches/facilities shall be graded such that the flow path is directed away from the building foundation and the top of the trench is below the bottom of foundation."*
35. *"All connections of roof drains, footing drains, and drains from all impervious surfaces such as patios and driveways to the permanent storm drain system shall be constructed and approved prior to final building inspection approval."*
36. *"In accordance with Chapter 13.15 Sammamish Municipal Code, a surface water system development charge shall be paid at the time of building permit issuance, for each new residential dwelling unit."*

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37. *"Illicit discharge of stormwater pollutants from pressure washing, car washing, and other routine maintenance of household appurtenances such as siding, roof, and windows shall be prevented from entering the storm drain system. Measures such as directing water to a green, vegetated area or covering the downstream catch basins shall be required and enforced pursuant to SMC 13.30.020."*
38. Trees retained in accordance with Chapter 21A.37 SMC shall be identified on the face of the final plat for retention. Trees shall be tagged in the field and referenced on the face of the final plat with the applicable tag number.
39. *"Trees identified on the face of this plat have been retained pursuant to the provisions of Chapter 21A.37 SMC. Retained trees are subject to the tree protection standards of Chapter 21A.37 SMC. Removal of these trees is prohibited unless the tree is removed to prevent imminent danger or hazard to persons or property, and may be subject to a clearing and grading permit approved by the City of Sammamish. Trees removed subject to this provision shall be replaced in compliance with Chapter 21A.37 SMC."*

Prior to Final Construction Approval:

40. All items in the final acceptance construction punch list shall be addressed and accepted by the City.
41. Prior to acceptance into the Maintenance and Defect period, the storm drain system shall be jetted, cleaned, and vactored and the system shall be televised for inspection.
42. Prior to acceptance into the Maintenance and Defect period, project close-out documents including as-builts and final corrected TIR shall be submitted to Public Works for approval.
43. The Platlor shall purchase from the City and install drain markers on each catch basin within the short plat (Only Rain Down the Drain). Installation instructions are provided with drain markers. Avoid placement on roadway asphalt.